

NIH POLICY MANUAL

2204 REASONABLE ACCOMMODATIONS

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1. Explanation of Material Transmitted: This updated chapter describes policies and guidance for the application of reasonable accommodations for the employment of people with disabilities and the retention of employees who develop a disability condition while employed at the NIH.

The purpose of this guidance is to provide current information on:

- a. Section 508 of the Rehabilitation Act Amendments requiring that agencies ensure access by disabled employees and members of the public, to electronic and information technology comparable to access by other non-disabled employees and members of the public;
- b. Executive Order 13164 requiring agencies to establish procedures to facilitate the provision of reasonable accommodations; and
- c. Centralized Sign Language Interpreting Services that are available to all NIH employees, visitors and patients.

2. Filing Instructions:

Remove: NIH Manual Chapter 2204 dated: 04/30/98

Insert: NIH Manual Chapter 2204 dated: 08/01/01

PLEASE NOTE: For information on:

- ? Content of this chapter, contact the issuing office listed above.
- ? NIH Manual System, contact the Office of Management Assessment, OA, on (301) 496-2832.
- ? On-line information, go to: <http://www3.od.nih.gov/oma/manualchapters/>

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A. Purpose and Scope:

This chapter describes the policies and guidance for the application of reasonable accommodations to applicants with disabilities, to the employment of people with disabilities and to the retention of employees who have or develop a disabling condition while employed at NIH. This provision applies to all individuals who are employed by the NIH and all organizational components.

B. Background:

The concept of reasonable accommodation originated from Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112) which ensures nondiscrimination on the basis of disability. Subsequent Federal policies have incorporated this concept in both the employment of people with disabilities and the retention of employees who become disabled.

The NIH is subject to the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (P.L. 93-508).

The Americans with Disabilities Act (ADA) of 1990 (P.L. 101-336) is comprehensive civil rights legislation that protects persons with disabilities from discrimination in such areas as employment, transportation, and building and telecommunications accessibility in both the public and private sectors. Though the NIH is not a "covered entity" under the ADA, this legislation closely parallels the Rehabilitation Act of 1973, as amended.

The section in the ADA on reasonable accommodations for alcoholism and drug abuse, as explained in section H of this issuance, amends the information on alcoholism and drug abuse contained in the Rehabilitation Act of 1973.

C. References:

1. The Rehabilitation Act of 1973, as amended:

Section 501, prohibiting discrimination on the basis of disability in Federal employment;

Section 503, addressing the employment practices of Federal contractors;

Section 504, which covers all programs receiving Federal financial assistance;

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Section 508, requiring access to the Federal government's electronic and information technology.

2. Americans with Disabilities Act of 1990 (ADA), Title 1, Employment.
3. U.S. Equal Employment Opportunity Commission: A Technical Assistance Manual on the Employment Provisions (Title 1) of the Americans with Disabilities Act.
4. Title 5, Code of Federal Regulations, Part 339.
5. Title 29, Code of Federal Regulations, Section 1614.
6. NIH Procedure for Requesting and Reviewing Medical Documentation.
7. Executive Order 13164 - Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodations.
8. The Architectural Barriers Act (P.L. 90-480) of 1968, as amended.

D. Definitions:

1. An individual with a disability is a person who has: a physical and/or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.
 - a. "Physical and/or mental impairment" includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic disorder; mental retardation; endocrine; organic brain syndrome; emotional or mental illness; and specific learning disabilities.
 - b. "Major life activities" are activities that an average person can perform with little or no difficulty. Examples are: walking; speaking; breathing; performing manual tasks; seeing; hearing; learning; caring for oneself; and working.
 - c. "Record of an impairment" means that an individual has a history of, or has been classified as having, a mental or physical impairment that substantially limits one

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or more major life activities.

- d. "Is regarded as having an impairment" means that individuals, including supervisors, managers and/or employees, believe that the individual has a disability, whether the individual actually has a disability or not.
2. Employee is an individual who is in a state of being employed by the NIH regardless of the type of appointment mechanism.
3. Qualified employee (and applicant) with a disability is an individual with a disability who, with or without reasonable accommodations, can perform the essential duties of the position description (or "condition of employment") that the individual holds.

Specific exclusion: A person who currently uses illegal drugs is not protected by these procedures as a "qualified individual with a disability." However, a former drug user who is receiving treatment for a drug addiction or has been rehabilitated successfully, is protected.

4. Reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done, that enables a qualified individual with a disability to attain the same level of performance of the essential duties of the job or to enjoy equal benefits and privileges of employment as are available to a similarly situated employee without a disability. Reasonable accommodations is not the creation of a new position or intentional altering of a position (job/condition of employment) of record beyond its grade controlling factors.
5. If requested or identified, reasonable accommodations are addressed in three aspects of employment:
 - a. In the recruitment/application process: A reasonable accommodations is provided in the recruitment process to provide a qualified applicant with a disability an equal opportunity to be considered for the position the person applied for.
 - b. In the performance of the essential functions of a job: A reasonable accommodations are provided to enable a qualified person with a disability to perform the essential duties of the job being sought or currently held. This may include modifications or adjustments to the work environment and to the way

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duties are customarily performed.

- c. In receipt of all benefits of employment: A reasonable accommodations is provided to enable an employee with a disability to enjoy benefits and privileges of employment equal to those enjoyed by other similarly situated employees without disabilities. This would include equal access to buildings, conferences and meetings that are NIH-sponsored services and events.

6. Undue Hardship is a determination that a specific reasonable accommodations would cause significant difficulty or expense to the NIH. It must be based on an individualized assessment of current circumstances.

E. Policy:

It is the NIH policy and a requirement under Title 1 of the ADA to provide reasonable accommodations for known physical and mental impairments of qualified individuals with disabilities who are applicants and/or employees of the NIH. A reasonable accommodations will be made, where required, to ensure an opportunity for the employee to utilize his/her skills, knowledge, abilities, and capacity for safe and productive job performance.

A reasonable accommodations will be given full consideration in the employment of individuals with disabilities and in the retention of employees who develop a disabling condition. ICs have the primary responsibility for exploring and taking the necessary actions required to accommodate their employees with disabilities.

F. Responsibilities:

1. Office of Equal Opportunity (OEO)

a. Director

The Director, OEO, is responsible for:

- S Providing oversight of IC programs and activities relating to reasonable accommodations;
- S Developing and issuing policies and procedures for the application of reasonable accommodations;

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- S Providing consulting services to IC officials and EEO Officers regarding procedures for administering reasonable accommodations policies;
- S Conducting appropriate reviews of complaints relating to reasonable accommodation; and
- S Conducting periodic reviews of the ICs to ensure compliance with the policies and guidelines outlined in this manual issuance.

b. OEO Diversity Program Managers

The OEO Diversity Program Managers are responsible for:

- S Overseeing the ICs' provision of reasonable accommodations for applicants and employees;
- S Serving as consultants for IC management officials involved in the reasonable accommodations process;
- S Providing guidance and technical assistance to the ICs regarding the EEO Program and affirmative action policies applicable to reasonable accommodation for individuals with disabilities; and
- S Assisting in complaint reviews relating to discrimination based on a disability.

c. OEO Complaints Management Specialists

The OEO Complaints Management Specialists are responsible for:

- S Processing discrimination complaints based on disability regarding reasonable accommodation and working towards resolution ; and
- S Consulting with ICs on technical issues concerning allegations of discrimination.

2. Office of Human Resource Management (OHRM)

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a. Director

The Director, OHRM, is responsible for:

Advising IC management officials and Human Resources Officers in the application of reasonable accommodations for applicants and employees with disabilities.

b. NIH Selective Placement Coordinator, OHRM

The NIH Selective Placement Coordinator is responsible for:

- S Providing policy and regulatory guidance to the ICs on the NIH Selective Placement Program;
- S Coordinating NIH-wide placement assistance and documenting efforts to reasonably accommodate those employees who are medically unqualified for their current position;
- S Maintaining liaison with public and private organizations concerned with the rehabilitation of persons with disabilities;
- S Serving as an NIH resource; and
- S Consulting with the ICs on complex selective placement issues.

c. Human Resource Development Division (HRDD)

The NIH HRDD is responsible for:

- S Ensuring that the HRDD training facilities and equipment, etc., are accessible for employees with disabilities.

3. Institutes and Centers (ICs)

a. IC Directors

Each IC Director is responsible for:

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- S Ensuring organizational compliance with the NIH policies and procedures for the provision of reasonable accommodations;
- S Providing leadership within the IC to ensure adequate budget, staff and resources for the provision of reasonable accommodations;
- S Ensuring supervisors and managers are provided training on their responsibilities for the provision of reasonable accommodations;
- S Ensuring timely responses to requests for information related to reasonable accommodations; and
- S Ensuring that the IC Human Resources Officer and EEO Officer are provided adequate staff and resources for implementation of the Selective Placement and Disability Employment Program.

b. IC Executive Officers

Each IC Executive Officer is responsible for:

- S Developing and administering IC policies and procedures on the application of reasonable accommodations and ensuring compliance;
- S Determining, based on advice from the Human Resources Office, the EEO Office, and Financial Management Office, the feasibility of accommodating employees with disabilities and the assumption of costs associated with reasonable accommodation efforts (including costs of training the disabled employee); and
- S Providing leadership within the IC in developing and carrying out a positive program for the continued employment of employees who develop a disabling condition.

c. IC Supervisors

Each IC Supervisor is responsible for:

- S Actively engaging employees who request reasonable accommodations to solicit any additional information needed to make timely

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determinations on all reasonable accommodation requests;

- S Providing appropriate reasonable accommodation for applicants and employees with disabilities; and
- S Working with IC Officials (Human Resources and EEO Office) and OMS staff to determine appropriate reasonable accommodations.

d. IC Human Resources Officers

Each IC Human Resources Officer is responsible for:

- S Advising IC management officials and supervisors on their responsibilities relating to individual cases involving reasonable accommodation of employees with disabilities;
- S Consulting with the OMS in assessing an individual's medical condition or disability and the need for reasonable accommodation;
- S Working with supervisors and the employee with a disability to provide reasonable accommodation through job structuring, training, or work environment adjustments when an employee cannot perform the essential duties of his or her current position;
- S Counseling employees to explore reasonable accommodations and, when appropriate, discussing alternatives open to the employee;
- S Reviewing and certifying OPM Form 2824D (CSRS), "Agency Certification of Reassignment and Accommodation Efforts" and OPM Form 3105D (FERS) for disability retirement cases; and
- S Documenting efforts taken within the IC for providing appropriate reasonable accommodations.

e. IC EEO Officers

Each IC EEO Officer is responsible for:

- S Ensuring dissemination throughout their IC of policies and procedural requirements associated with providing reasonable accommodation for

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employees and applicants;

- S Providing training to managers and employees on policies and procedures for the application of reasonable accommodation to the employment of individuals with disabilities and the retention of employees who develop disabling conditions;
- S Ensuring that the IC follows procedural requirements associated with reasonable accommodation for employees;
- S Monitoring and tracking reasonable accommodation requests in their IC, and preparing an annual IC summary report for submission to the OEO; and
- S Assisting the IC Selective Placement Coordinator in the implementation and provision of reasonable accommodation for applicants and employees.

4. Employees

Each employee is responsible for:

- S Notifying the supervisor of any disability or medical condition that may interfere with the performance of essential duties of his/her position of record; and making the request for reasonable accommodation;
- S Submitting an OPM Self-Identification Standard Form 256 (<http://forms.cit.nih.gov/adobe/personnel/SF256.pdf>) to their IC Human Resources Office on any disabling condition; (NOTE: Submission of form is optional, but submission of form would greatly assist the IC in processing the request for reasonable accommodation.)
- S Suggesting reasonable accommodation possibilities that the IC can explore, and cooperating with management efforts to identify and effect accommodations and/or alternate placement if necessary; and
- S Providing OMS with information relating to the medical condition and how it relates to the essential duties of the position.

5. Occupational Medical Services (OMS)

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- S Providing medical assessments from the medical information submitted by the employee's physician and/or other health care provider related to continued employability in accordance with U.S. Office of Personnel Management (OPM) guidance;
- S Providing medical or psychiatric recommendations pertaining to medical eligibility, medical abilities and limitations, and/or work restrictions as they relate to job requirements and environmental factors associated with an employee's current position and potential placements for which Human Resources Officers request advice;
- S Providing employee assistance counseling services to employees and supervisors, EEO Officers and Human Resources Officers in dealing with reasonable accommodation including issues related to emotional factors; and
- S Providing detailed information on the employee's medical limitations to assist the supervisor in making decisions related to reasonable accommodation.

6. Office of Research Services (ORS)

ORS is responsible for:

- S Facility accessibility at the NIH. This includes accessibility of buildings, restrooms, conference rooms, ramps, doorways and other architectural features; and
- S Providing centralized contract interpreting services for the NIH.

G. Procedures for Providing Reasonable Accommodations:

Reasonable accommodations are considered where a particular disability creates a limitation that impedes an individual with a disability from performing the essential functions of the job. The need for reasonable accommodation is determined on a case-by-case basis, taking into consideration the applicant's or employee's specific disability and existing limitations to performance of a particular job function; the essential duties of a job; the work environment; and whether the proposed accommodation would create an undue hardship on the IC.

1. The Reasonable Accommodation Process

When an employee is disabled at the time of employment, or becomes disabled while employed at the NIH, he/she should notify the supervisor of his/her impairment or limitation and of the need for reasonable accommodation, either orally or in writing.

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Under either situation, the employee can request a reasonable accommodation for the temporary or permanent disability. The employer should submit confidentially the request for the accommodation along with medical documentation to OMS for their review and assessment. It is not necessary for the employee to discuss personal/confidential medical information with the supervisor. The employee can submit to his/her IC Human Resource Office a Standard Form 256 (Self-Identification of Handicap).

In the case of an applicant with a disability, it is the responsibility of the applicant to inform the personnelist or selecting official or an official within the IC recruitment process, of the need for a reasonable accommodation prior to an interview or visit.

However, when the need for accommodation is obvious, it may not be necessary for medical documentation to be provided by the employee. It may not be necessary for an employee who uses a wheelchair to submit medical information for the reasonable accommodation of raising an office desk or adjusting other furniture in the work space. Medical information would not be required from a Deaf applicant to have sign language interpreting services provided during an interview.

The medical information, when required, is submitted to OMS as a part of the reasonable accommodation process. The analysis developed by OMS should be submitted on a case-by-case basis to assist the supervisor in determining if the employee is disabled; whether an accommodation is needed; and if so, what kind of accommodation. The medical information is used for documenting the employee/applicant's disability, specific abilities and functional limitations, and provides necessary information regarding the accommodations. For instance, medical documentation would be necessary for an employee with Multiple Sclerosis (MS) to determine appropriate reasonable accommodation(s) such as flexible work schedule, job adjustment, flexible leave practice, telecommuting or permission to work at home.

2. Determining Undue Hardship

Regulations require agencies to make reasonable accommodations unless it imposes "undue hardship." Accordingly, whether a particular accommodation will impose an undue hardship must always be determined on a case-by-case basis.

The following factors may be considered in determining undue hardship:

- a. The overall size of the agency with respect to number of employees, number and type of facilities, and size of budget;

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- b. The type of operation, including the composition and structure of the work force; and
- c. The nature and cost of the accommodation needed.

3. NIH Guidelines for Requesting Reasonable Accommodation Requests

Reasonable accommodation procedures which each IC has prepared and is responsible for implementing, should be designed to expand employment opportunities for people with disabilities, not to create new bureaucratic requirements. The Rehabilitation Act of 1973, as Amended, requires that agencies provide reasonable accommodation to disabled individuals, absent undue hardship. Executive Order 13164 provides substantial leeway in the ways in which reasonable accommodation requests may be made and processed.

There are three categories of reasonable accommodation:

- S modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job;
- S modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job; or
- S modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges.

Each IC's procedures must address reasonable accommodation requests received from both employees and applicants and assure that the organization's officials that are specifically designated for processing and deciding whether to grant the request, act on the request as expeditiously as possible.

The IC procedures should be written in plain language so that they can be understood by those not familiar with the regulations. They must also inform individuals who request reasonable accommodation about their rights and responsibilities concerning reasonable accommodation procedures, as well as the applicable time limits regarding their rights to seek reconsideration of a denial of their request as outlined under the Rehabilitation Act.

Following are several key points involved in processing reasonable accommodation requests.

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(1.) Initiating the Reasonable Accommodation Process:

An employee or applicant for employment may initiate a request for reasonable accommodation orally or in writing. To minimize ambiguity, requests, at a minimum should contain the name of the person seeking reasonable accommodation, an address and telephone number where the person may be contacted if additional information is needed, a statement of the adjustment or modification needed and, if possible, what the person believes would constitute a reasonable accommodation. ICs are required to monitor, track and report on all reasonable accommodation requests. If an IC elects to use a form for record keeping purposes, the form must be an attachment to the written procedures.

(2.) Processing the Request for Reasonable Accommodation:

The IC procedures must clearly explain how a request for reasonable accommodation is processed within the IC and the manner in which the person will receive a final decision. These procedures should allow for flexibility so that the decision maker may issue the decision in the most expeditious manner possible and in a way that imposes the fewest burdens on the person making the request. For example, if a disability is already known to exist, there is no need to request confirmation of the existence of the disability unless there is a legitimate reason to do so as part of the fact finding process.

In requests that are more complex in nature, the designated decision maker, or designee, should seek additional information or clarification from the individual requesting the accommodation when specific limitations, problems, or barriers are unclear; where an effective accommodation is not obvious; or where the parties are identifying different possible reasonable accommodations. These discussions are crucial and form the basis and justification for granting or denying the reasonable accommodation request.

Because the amount of time to respond to a request for reasonable accommodation will often depend on the nature and extent of the disability and requested accommodation, no specific time limit can be set. Time limits by which to issue a decision on the request should, however, be as short as reasonably possible, usually within two weeks. Sometimes, however, there may be factors or extenuating circumstances that could not have been anticipated or avoided that delay the decision. In such circumstances, the IC must notify the individual of the reason for the delay and whether there are temporary measures that could be taken to assist the person until a decision on the requested accommodation can be made.

(3.) Medical Information:

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The ICs procedures should clearly explain the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the requested accommodation where the disability and need for accommodation is not clearly obvious.

ICs may request relevant supplemental medical documentation if the initial information submitted by the person making the request for reasonable accommodation does not clearly explain the nature of the disability, the need for reasonable accommodation or fails to clarify how the requested accommodation will assist the person to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace. The IC should also explain why medical information may be reviewed by the NIH Occupational Medical Services and identify its role in providing assistance to the IC.

The Rehabilitation Act of 1973, as Amended, requires that all medical information be kept confidential and separate from the individual's personnel file. The ICs procedures for handling medical information should clearly reflect how confidentiality will be maintained.

(4.) Reassignment:

Reassignment is a form of reasonable accommodation that may be provided, absent undue hardship, to an employee who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation. Reassignment is a "last resort" accommodation that must be considered if there is no other effective accommodation(s) that would enable the employee to perform the essential functions of the current job, or if all other possible accommodation(s) would impose an undue hardship on the organization.

ICs may provide reassignment as a reasonable accommodation if a determination is made that no other reasonable accommodation will permit the employee to perform the essential functions of the current position.

(5.) Denial of Reasonable Accommodation:

All denials of requests for reasonable accommodation must be provided in writing to the person making the request with the reason(s) for denial as specific as possible. The denial should be written in plain language with as much specificity as possible, and should identify the deciding official by name and title and/or the office that issued the decision.

When a specific reasonable accommodation has been denied but the IC has offered to

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substitute a different one, the denial response should explain the reason for the denial of the requested accommodation and provide the reason that it believes the substitute accommodation will be as effective as the requested accommodation.

(6.) Tracking Information:

The ICs should have a system of record keeping sufficient to track the processing of requests for reasonable accommodation and to maintain the confidentiality of any medical information received in accordance with applicable law and regulations. At a minimum, the following information should be tracked:

- S** the number and types of reasonable accommodations that have been requested in the application process and whether those requests have been granted or denied;
- S** the jobs (occupational series, grade level, and office) for which reasonable accommodation have been requested;
- S** the number and types of reasonable accommodations for each job, by office, that have been approved, and the number and types that have been denied;
- S** the number and types of requests for reasonable accommodations that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
- S** the reason for denial of requests for reasonable accommodation;
- S** the amount of time taken to process each request for reasonable accommodation; and
- S** the sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

All records relating to each request for reasonable accommodation should be maintained for as long as is necessary to serve the purpose of implementing and monitoring the program of reasonable accommodation. In general, record keeping can be divided into two categories for this purpose: (1) records related to a particular individual who has requested a reasonable accommodation may be kept for the duration of that individual's employment, or (2) records that may be used to track the IC's performance with regard to reasonable accommodation

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(usually three years).

(7.) Utilization of the Alternative Dispute Resolution and EEO Discrimination Complaint Processes:

In those instances when a request for reasonable accommodation is denied, the individual that made the request must be informed of the availability within NIH of the Alternative Dispute Resolution (ADR) processes to allow prompt reconsideration of the denial. Specific reference should be made to the NIH Office of the Ombudsman, citing the appropriate address, room, and telephone number. Additionally, the individual must also be informed of their right to utilize the discrimination complaint process, citing the time limits and appropriate point of contact in order for the person to initiate the complaint in a timely manner. The Executive Order requires that the disagreements regarding denials of reasonable accommodation requests should be resolved whenever possible and recommends the use of alternative dispute resolution as a possible mechanism. Additionally, an individual with the disability has a right to file an EEO complaint if he/she believes that reasonable accommodation request was denied due to discrimination.

H. Reasonable Accommodation for Alcoholism and Drug Abuse:

The Americans with Disabilities Act of 1990 (P.L. 101-336, Section 512) amended Section 501 of the Rehabilitation Act to state that "individuals with handicaps" does not include an individual who is currently engaging in illegal use of drugs. Therefore, individuals who are currently engaging in the illegal use of drugs will not be provided reasonable accommodation. Under the ADA, the workplace is to be free from the illegal use of drugs and the use of alcohol and must comply with other federal laws and regulations regarding alcohol and drug abuse.

An individual who is currently engaging in the illegal use of drugs is **not** an "individual with a disability." The NIH can discharge or deny employment to persons who currently engage in illegal use of drugs. A person who is an alcoholic **is** an "individual with a disability" under this provision.

An alcoholic is a person with a disability under the ADA and Rehabilitation Act of 1973. Therefore, consideration can be given to an accommodation if the individual is qualified to perform the essential functions of his/her job. However, supervisors and managers may discipline, discharge or deny employment to an alcoholic whose use of alcohol affects job performance or conduct to the extent that he/she is not "qualified."

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The ADA permits management to discipline or discharge an employee for illegal use of drugs or when alcoholism results in poor performance or misconduct. The NIH has an Employee Assistance Program (EAP) for employees who want assistance in being rehabilitated from alcohol abuse. The ADA requires consideration of reasonable accommodation for a drug addict who is rehabilitated and not using drugs or an alcoholic who remains a qualified individual with a disability. For example, a modified work schedule permitting the individual to attend an ongoing self-help program with EAP might be a reasonable accommodation for such an employee. Persons who are no longer using drugs illegally and are being successfully rehabilitated, are protected under the ADA from discrimination on the basis of past addiction.

I. Examples of Reasonable Accommodation:

The types of actions that can be taken in connection with reasonable accommodation can best be determined on a case-by-case basis, taking into consideration the employee, his/her specific disability and the resulting limitations, the essential duties of the particular job, the work environment, and the feasibility of the proposed accommodation. Reasonable accommodation may include, but is not limited to, the following:

1. Modification of the Worksite

Facilities should be made readily accessible. Modifications may include, but are not limited to: arranging files or shelves for accessibility; raising or lowering equipment and work surfaces to provide comfortable working heights; installing special holding devices on seats, desks, or machines; using braille labels or other tactile cues for identification purposes; and installing special equipment such as telephone amplifiers.

2. Assistive Devices

ICs are authorized to purchase equipment or assistive devices if they are necessary to fulfill the official business of the agency. Equipment or assistive devices may not be provided if they are of a personal nature such as eyeglasses or hearing aids. In determining whether the purchase of equipment and assistive devices should be authorized, consideration should be given as to whether the device will enable the person with a disability to perform tasks he/she would otherwise be unable to carry out, and whether the major benefit would be an increase in the quantity, quality, or efficiency of the employee's work.

3. Readers, Interpreters, and Personal Assistants

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ICs have authority under 5 USC 3102, to employ, with or without pay, readers, interpreters, and personal assistants, or to assign such assistance as may be necessary to enable the employee with a disability to perform his/her job, either at the regular duty station, or while traveling on official business.

Reader- It may be a reasonable accommodation to provide a reader for a qualified individual with a disability, if this would not impose an undue hardship. In some job situations, a reader may be the most effective and efficient accommodation, but in other situations, equipment or an assistive device may enable a visually impaired individual to read independently. A reader may be an employee who performs other duties.

Qualified Sign Language Interpreter - Someone who is fluent in American Sign Language (ASL) and English and is able to facilitate communication of two languages between Deaf and hearing cultures. This professional is also trained to interpret (and transliterate) between the two languages.

Captioning - The process of converting the audio portion of a video production or live event onto text which is displayed on a television or film screen. The captions are typically white upper-case against a black background and, when pre-recorded, displayed live as the show is broadcast. They may also be permanently visible (open-caption) or viewable only through a decoder (closed-caption) attached to or built in to the television.

Computer-Aided Realtime Translation (CART) - A form of captioning which provides a word-for-word transcription of what is being said. It may be read on a laptop computer or projected on to screen television or, for a large audience, on to a full-size screen.

Personal Assistant - Providing a personal assistant on an "as-needed" basis may be a reasonable accommodation for a person with a mobility impairment. If an individual is so severely disabled that he/she needs assistance during meals, arranging work materials, or transferring from a wheelchair to a taxi or other modes of transportation, this assistance may be provided by a personal assistant.

4. Flexible Leave Policies

ICs have authority to adopt flexible leave policies, subject to appropriate laws and

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regulations, that will accommodate employees with disabilities.

5. Adjusting Work Schedules

ICs are encouraged to approve flexible or altered work schedules for employees who cannot meet the requirements of the regularly scheduled tour of duty for their position for reasons associated with their disability (examples include requirement for medical treatment, need for rest periods, or difficulty getting to work).

6. Restructuring Jobs

Job restructuring is one of the major means by which an employee with a disability can be accommodated. Supervisors should consult with the IC Personnel Office, the IC Selective Placement Coordinator, EEO Officers, and/or specialists in the fields of vocational rehabilitation and medicine, to discuss changes that can be made to enable the person with a disability to perform the job.

7. Training

The IC employing a person with a disability will accommodate and assume the costs incurred when that employee attends training. The IC will also arrange reasonable accommodation needs for approved courses, whether held at the NIH HRDD or other locations, including arrangement of transportation to and from the training site.

The NIH HRDD will arrange classroom space to accommodate sign language interpreters for the Deaf and hard-of-hearing and readers for visually impaired employees at courses sponsored by the NIH HRDD. Request for special accommodations should be submitted to the NIH HRDD one week in advance to allow adequate time for classroom arrangements to be made.

8. Comptroller General Decisions

The Comptroller General of the U.S. has ruled in two decisions dated May 26, 1977 (B-187492 and B-186598), that the payment of travel expenses of an attendant to accompany a disabled employee or consultant may be authorized subject to the following: The authorizing official has determined that the employee or consultant should perform official travel and the employee or consultant is incapable of traveling unaccompanied.

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J. Sign Language Interpreting Services

Sign Language interpreting services are available to all employees, visitors and patients of the NIH. It is a policy of the NIH that interpreting services will be provided for conferences, training, classes, meetings, interviews, workshops, and any event attended by Deaf and hard-of-hearing persons who communicate in sign language. Interpreting services will be available for all events open to the public. Public events will be interpreted only if there are Deaf or hard-of-hearing persons present who require the service.

To request interpreting services contact Interpreting Services, Worksite Enrichment Programs, Division of Support Services, Office of Research Services, The request must be in writing. Such requests can be placed at ORS's website established for this purpose:
www.nih.gov/od/ors/dss/special/interp.htm.

K. Federal Information Technology Accessibility Initiative

In 1998, Congress amended the Rehabilitation Act of 1973 and strengthened the provisions covering access to information in the Federal sector for people with disabilities. As amended, Section 508 of the Rehabilitation Act requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, they shall ensure that the electronic and information technology allows Federal employees with disabilities to have access to and use of information and data that is comparable to the access to and use of information and data by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. It also requires access for individuals with disabilities who are members of the public seeking information and services from a Federal agency.

The Architectural and Transportation Barriers Compliance Board issued Electronic and Information Technology Accessibility Standards (<http://www.access-board.gov/sec508/508standards.htm>) which were effective as of February 20, 2001. Further information on policies and procedures to implement Section 508 are available by contacting the Office of Equal Opportunity (301) 496-6301.

L. Records Retention and Disposal

All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of NIH Manual 1743, "Keeping and Destroying Records, Appendix 1, NIH Records Control Schedule," Item 2300-792-3 "Employee Medical Folder."

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NIH e-mail Messages

NIH e-mail messages (messages, including attachments, that are created on NIH computer systems or transmitted over NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal Records. These records must be maintained in accordance with current NIH Records Management guidelines. If necessary, back-up file capability should be created for this purpose. Contact your IC Records Officer for additional information

All e-mail messages are considered Government property, and, if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of the e-mail messages.

E-mail messages must also be provided to Congressional oversight committees if requested and are subject to Freedom of Information Act requests. Since most e-mail systems have back-up files that are retained for significant periods of time, e-mail messages and attachments are likely to be retrievable from a back-up file after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

M. Management Controls

The purpose of this manual issuance is to provide guidance on reasonable accommodation for people with disabilities and the retention of employees who develop a disabling condition while employed at the NIH.

1. Office Responsible for Reviewing Management Controls:

Through this manual issuance, the OEO is responsible for ensuring that the ICs are in compliance with this policy and is responsible for reviewing the management controls in place.

2. Frequency of Reviews:

The OEO will collect information on number and types of reasonable accommodations provided to employees and applicants by each IC on an annual basis.

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3. Method of Review:

The OEO currently collects information on reasonable accommodations as part of its annual Affirmative Action Plan for Individuals with Disabilities. This information along with any additional information needed to ensure the program is operating properly, will be developed by IC EEO Offices on an annual basis. An IC summary report on reasonable accommodations will be forwarded to the OEO.

4. Reviewing Officials:

The Director, OEO, and the Deputy Director for Management will serve as reviewing officials.